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PATENT, TRADEMARK AND COPYRIGHT LAW  
AND RELATED FEDERAL AND ITC LITIGATION

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## FACSIMILE

Please contact Sandra Ale at (703) 412-6011 if the message you receive is incomplete or not legible

TO

Mrs. Streeter

NAME

PTO

COMPANY/FIRM

703-306-5430

TELEPHONE #

June 10, 2002

DATE

703-308-5806

FAX#

NUMBER OF PAGES (INCLUDING COVER) 9

CONFIRM FAX

☐ YES ☒ NO

FROM

Wanda M. Pearce

NAME

197319US/222962US

OUR REFERENCE

703-412-6288

DIRECT PHONE

YOUR REFERENCE

## MESSAGE

Per our conversation regarding our check No. 261851 date 1/30/02 in the amount of \$1576.00; attached please find the following documents:

- (1) Copy of the filing receipt stamped 1/30/02;
- (2) Copy of the Amendment Transmittal form;
- (3) Copy of the first and last page of the 1.607 Request;
- (4) Copy of the first and last page of the 1.607 Amendment; and
- (5) Copy of the PTO-850 Interference-Initial Memorandum.

If you have any other questions, please do not hesitate to call me.

Unless otherwise indicated or obvious from the nature of the transmittal, the information contained in this facsimile message is attorney privileged and confidential information intended for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error or are not sure whether it is privileged, please immediately notify us by telephone and return the original message to us at the above address via the U.S. Postal Service at our Expense. Thank You.

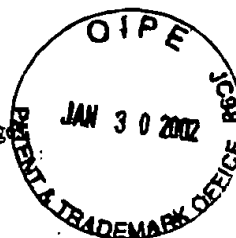
OSMME&N File No. 97319USDept.: Interference

Serial No.

By: CLG/JRR/wmpIn the matter of the Application of: Jamie M. Grooms et al.For: CORTICAL BONE CERVICAL SIMTH-ROBINSON FUSION IMPLANT

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification Claims/Drawings Sheets
- ☐ and pages Application Data Sheet
- ☐ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application Transmittal ☐ CPA
- ☐ Notice of Priority ☐ Priority Doc
- ☒ Check for \$1,576.00 ☒ Dep. Acct. Order Form
- ☒ Fee Transmittal Form
- ☐ Assignment/PTO 1595 pages:
- ☐ Letter to Official Draftsman
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ 37 CFR 1.607(a)(4) Amendment
- ☐ Information Disclosure Statement ☐ PTO-1449
- ☐ Cited References
- ☐ Search Report
- ☐ Statement of Relevancy ☐ Cited Pending Applications
- ☐ IDS/Related/List of Related Cases
- ☐ Restriction Response ☐ Election Response
- ☐ Rule 132 Declaration
- ☐ Petition for Extension of Time
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☐ White Advance Serial Number Card
- ☒ PTO-850 form
- ☒ 37 CFR 1.607 Request for an Interference with a Patent
- ☒ 37 CFR 1.607(a)(4) Amendment Due Date: NONE



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Docket No. 197319US

IN RE APPLICATION OF: Jamie M. Grooms, et al.

SERIAL NO: 09/905,683

FILED: July 16, 2001

FOR: CORTICAL BONE CERVICAL SMITH-ROBINSON FUSION IMPLANT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:


Transmitted herewith is an amendment in the above-identified application.

- ☐ No additional fee is required
- ☐ Small entity status of this application under 37 C.F.R. §1.9 and §1.27 is claimed.
- ☒ Additional documents filed herewith: 37 CFR 1.607 Request for an Interference with a Patent, 37 CFR 1.607(a)(4) Amendment, and PTO-850

The Fee has been calculated as shown below:

CLAIMS	CLAIMS REMAINING		HIGHEST NUMBER PREVIOUSLY PAID	NO. EXTRA CLAIMS	RATE	CALCULATIONS	
TOTAL	102	MINUS	58	44	× \$18 =	\$792.00	
INDEPENDENT	18	MINUS	12	6	× \$84 =	\$504.00	
		<input checked="" type="checkbox"/> MULTIPLE DEPENDENT CLAIMS			+ \$280 =	\$280.00	
		TOTAL OF ABOVE CALCULATIONS					\$1,576.00
		<input type="checkbox"/> Reduction by 50% for filing by Small Entity					\$0.00
		<input type="checkbox"/> Recordation of Assignment				+ \$40 =	\$0.00
		TOTAL					\$1,576.00

- ☒ A check in the amount of **\$1,576.00** is attached.
- ☒ Please charge any additional Fees for the papers being filed herewith and for which no check is enclosed herewith, or credit any overpayment to deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.
- ☒ If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
James R. Boler  
Registration No. 37,058Charles L. Gholz  
Registration No. 26,395

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(OSMMN 10/01)

Docket No. 197319US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

Jamie M. Grooms et al. : GROUP ART UNIT: 3732 (Anticipated)

SERIAL NO: 09/905,683 : EXAMINER: M. Priddy (Anticipated)

FILED: 16 July 2001

FOR: CORTICAL BONE CERVICAL  
SMITH-ROBINSON FUSION  
IMPLANT

37 CFR 1.607 REQUEST FOR AN  
INTERFERENCE WITH A PATENT

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

I. 37 CFR 1.607(a)(1)

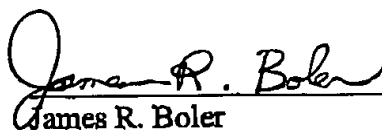
The patent is U.S. patent No. 6,200,347 B1 issued March 13, 2001 and naming Billy G. Anderson and Lloyd Wolfenbarger, Jr. as inventors. The assignee at issue was LifeNet of Virginia Beach, VA (US).

II. 37 CFR 1.607(a)(2)

Applicants propose the following count, which is in the format approved by the Commissioner in Orikasa v. Oonishi, 10 USPQ2d 1996, 2003 (Comm'r 1990), and Davis v. Uke, 27 USPQ2d 1180, 1188 (Comm'r 1993):

Claims 1-27 in the Anderson et al. patent

Respectfully submitted,



James R. Boler

Registration No. 37,058

Attorney of Record

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Docket No.: 197319US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

Jamie M. Grooms et al.

: GROUP ART UNIT: 3732 (Anticipated)

SERIAL NO: 09/905,683

: EXAMINER: M. Priddy (Anticipated)

FILED: 16 July 2001 :

FOR: CORTICAL BONE CERVICAL  
SMITH-ROBINSON FUSION  
IMPLANT

For Amends (NB)

37 CFR 1.607(a)(4) AMENDMENTASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

SIR:

Please cancel claims 1-58.

Please add claims 59-110 as follows:

59. A composite bone graft, comprising:

a first cortical bone portion comprising one or more cortical bone planks, and having a first face comprising protrusions;

a second cortical bone portion comprising one or more cortical bone planks, and having a second face comprising depressions complimentary to said protrusions provided on said first face, said second cortical bone portion is provided on said first cortical bone portion such that said first face and said second face interlock to form a graft unit; and

a cortical bone locking pin located approximately parallel or perpendicular to the

## REMARKS

Claims 1-58 have been canceled.

Claims 59-110 are patterned after claims 1-27 of U.S. patent No. 6,200,347 B1 issued 13 March 2001, and they have been presented to provoke an interference with that patent.

Respectfully submitted,



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97319US

PTO-850-(Rev. 09-22-97) (OSMMN version)

Count # 1**INTERFERENCE-INITIAL MEMORANDUM**

BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

This interference involves 2 Parties

EXAMINERS INSTRUCTIONS - This form need not be typewritten. Complete the items below and forward to the Group Clerk with all file including those benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form of each count.

(See MPEP 2309.02)

BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:

1. PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Grooms et al.	09/905,683	16 July 2001		

If application has been patented, have maintenance fees been paid? Yes No Maintenance Fees not due yet

The claims of this party which correspond to this count are: 59-110.

The claims of this party which do not correspond to this count are: None

\*Accorded the benefit of:

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
U.S.	09/701,933	27 August 1998		
U.S.	08/920,630	27 August 1987		

2. PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
Anderson et al.	09/368,263	03 August 1999	6,200,347 B1	13 March 2001

If application has been patented, have maintenance fees been paid? Yes No X Maintenance Fees not due yetThe claims of this party which correspond to this count are: 1-27. The claims of this party which do not correspond to this count are: None

\*Accorded the benefit of:

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
None				

3. PARTY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY

If application has been patented, have maintenance fees been paid? Yes No Maintenance Fees not due yet

The claims of this party which correspond to this count are:

The claims of this party which do not correspond to this count are:

\*Accorded the benefit of:

COUNTRY	APPLICATION NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY



**Instructions**

1. For every patent involved in the interference, check if the maintenance fees have been paid by using the Patent Number with PALM screen 2970. If fees are due and they have not been paid, the Interference cannot be declared since it would involve an expired patent (35 U.S.C. §135(a), 37 C.F.R. §1.606)
2. For each party, identify the patentable (or patented) and unpatentable (pending) claims which correspond to the count (37 C.F.R. §1.60(f), (n); §1.609(b)(2)).
3. For each party, identify the patentable (or patented) and unpatentable (pending) claims which do not correspond to the count of (37 C.F.R. §1.609(b)(3)).
4. Forward all files including those the benefit of which is being accorded.
5. Keep a copy of the Interference Initial Memorandum and any attachments for your records.

**All Information Requested Below Must Be Attached On (a) Separate Typewritten Sheet(s).**

6. On a separate sheet, set forth a single proposed interference count. If any claim or any party is exactly the same word for word as this count, please indicate the party, application or patent number, and the claim number.

DATE	PRIMARY EXAMINER (signature)	TELEPHONE NO.:	ART UNIT
DATE	GROUP DIRECTOR SIGNATURE (if required)		

\* The application number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest.

Count 1

6. Anderson et al.'s claims 1-27 in the alternative

or

Grooms et al.'s claims 59-110 in the alternative.